M

FOR MYSORE STATE

Scrapt 10-48

Development (1950) Department.

MS SERIES.

G.O. NO. 1204

Dated 25-3-50

62

[Despatch Abstract.]

States — Sandur — Merger — Madras Partnership (Registration of Firms) Rules 1932 and Regulations framed under Indian Companies Act, 1913 Applied — Appointment under Section 57 (1) of Indian Partnership Act, 1932 — Notified

2 Copies of the Go

Government of Madras.
Abstract.

45581

STATES - Sandur - Merger - Agreement of merger signed by the Raja - Instructions issued. 30.4.49

Public (Political) Department.

G.O.Ms.No.1145. dated the 27th April 1949.

ORDER:

The Raja of Sandur has signed the agreement of merger ceding to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the Sandur State and has agreed to the transfer of the administration of the State to the Dominion Government with effect from the 1st day of April 1949. The Government of India will be issuing separately a notification under the Extra Provincial Jurisdiction Act delegating powers to this Government for the administration of the State.

2. A copy of the letter from the Government of India, Ministry of States No.D.3588-P/49 dated 20-4-49 is communicated to the Board of Revenue and the Collector of Bellary together with a copy each of the collateral letter and the agreement of merger.

p.t.o.

2

3..The Collector of Bellary is requested to arrange for the payment of the dues to the Raja of Sandur or members of his family and also for the payment of pension to the officers mentioned in the proceedings of the Sandur Durbar No.IX-7/48 dated 26-12-48 as modified by the Government of India.

Not received here -.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

R.Ramanni ction,
Chief Secretary to Government.

To the Board of Revenue (with enclosure).
" the Collector of Bellary (with enclosure).
" the Departments of theSecretariat (all sections)
including Public (with enclosure.)
Copy to the Government of India, Ministry of States,
New Delhi (5 copies)

/True copy/.....s/By order/

C.A. Chetti
Superintendent.

mdk.28/4-

Sandur papers

Copy of letter No.D.3588-P/49 dated the 20th April 1949 from the Government of India, Ministry of States, New Delhi to the Chief Secretary to the Government of Madras, Madras.

Sub: Merger of Sandur State.

1- I am directed to enclose a copy of the agreement signed by the Raja of Sandur regarding the merger of his State (together with enclosures) and a copy of the collateral letter issued to the Raja. The Government of India are issuing separately a notification delegating powers under the Extra-Provincial Jurisdiction Act to the Provincial Government for the administration of the State.

2. It will be seen from paragraph 1 (6) of the collateral letter that the Government of India have admitted the claims of the Raja and members of his family to certain amounts given as loans by them to the State out of personal funds and the amounts invested by the Raja and his family in fixed deposit in Sandur State. It is requested that arrangements may be made to pay the amounts due to the Raja Saheb or members of his family on surrender of the fixed deposit receipts and other documents in their possession. Item 3 of the schedule of loans namely Rs.33,878-0-5 should be paid after verification with reference to documents.

3. With reference to paragraph 1(5) of the collateral letter the payment of Rs.36,000/- per annum to the State Temples Funds will be continued subject to audit of the accounts by an officer on behalf of the Government of India. It is requested that an officer of the Finance Ministry of the Government of Madras may be deputed for this purpose.

4

4. The Government of India have also accepted certain modifications in the Pension Order No.IX-7/48 dated 26th December 1948, passed by the Raja in favour of certain State Servants of Sandur. It is requested that arrangements may kindly be made to give effect to these pensions with effect from 1st April 1949.

Yours faithfully,
(Sd.) S Narayanaswamy,
Deputy Secretary to the Govt. of India.

/True copy/

Ministry of States,
New Delhi.
The 1st April 1949.

My Dear Raja Saheb,

With reference to the agreement signed by you on the 1949 ceding to the Dominion Government, full and exclusive authority, jurisdiction and powers for and in relation to the Governance of your State, I write to say that:-

(1) Your privy purse of Rs. ~~Hine Thousand~~ Nine thousand which is provided for in the agreement signed by you is payable in perpetuity to you, your heirs and successors and will neither be increased nor reduced for any reason whatsoever. It will be free of all taxes whether imposed by the Government of any Province or by the Government of India. Till the 31st March 1949 all amounts payable under the Palace (Civil Lists) Proclamation, 1949 (III of 1948) will be paid to you from the provision made in the State budget of 1948-49. The privy purse according to this agreement will come into force with effect from the 1st April 1949.

(2) Reference to the Ruler in Articles 2,3 and 4 include the heirs and successors on the Gadi of the State. This is indeed the significance of the guarantee in Article 5 which expressly extends to succession to your personal rights, besides privileges, dignities and titles.

(3) The Ruler and his successors on the Gadi will continue to retain their hereditary distinctions, designations, titles and honours to which they were entitled prior to August 15, 1947.

(4) The accumulated balances which will be transferred along with the State, shall, as far as possible, be spent for the benefit of the people of your State.

(5) The payment of a sum of Rs.36,000 per annum to the State Temples Fund constituted by the Sandur State Temples Proclamation, 1948 (No.II of 1948) a copy of which is annexed, for the proper maintenance of the temples and institutions specified therein will be continued. The audit of the accounts of the Fund will be carried out by an officer appointed by or under the authority of the Dominion Government.

(6) The amounts given as loans to the State by you or the members of your family, out of personal funds, and the amounts invested by you (or by them) in fixed deposit in Sandur State Treasury shall be returned to the depositor or lender on production of the Fixed Deposit receipts and other receipt issued by the Sandur State treasury. A schedule of the aforesaid amounts is annexed hereto.

(7) It is intended that permanent members of the public services of Sandur State will be continued in service on conditions as near to those on which they were serving on 29th July 1948 as changed circumstances may permit. In the event of continuance in service not being possible in any case, reasonable compensation will be paid

(8) Pensions, compassionate allowances, and leave salaries sanctioned by competent authorities in the State before 29th July 1948 to permanent member of its public services who have retired or proceeded on leave preparatory to retirement will be continued. The pensions sanctioned in your Huzur Order of 26th December 1948 as modified by the Government of India, will take effect from 1st April 1949.

(9) The Ruler of Sandur and His successors shall have exclusive shooting rights in the following areas, Rungolla (Deogiri) Hathi Marangolla (Rungad) Plans no: 3 & 7.

(10) All expenses (including legal fees and travelling and other charges) incurred in connection with the negotiations and finalization of the agreement referred to in this letter, upto the date of such finalisation, shall be paid from the State funds. The salary of Rs.250/- per mensem payable to the Industrial Advisor upto 31st March 1949 shall also be paid from State funds.

(11) No enquiry shall be made nor shall any proceedings lie in any court in India against you, whether in a personal capacity or otherwise, in respect of anything done or omitted to be done by you or under your authority during the period of your administration of your State.

(12) Except with the previous sanction of the Government of India, no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duties as a servant of the State before the date of this agreement.

(13) Any dispute arising under this agreement shall be referred to the Government of India, whose decision shall be final.

2. The contents of this letter will be regarded as part of the merger agreement entered into by you with the Governor General of India.

Yours sincerely,

(Sd) M. K. Vellodi

Raja Srimant Yeshwantrao,
Rao Sahib, Hindu Rao Ghorpade,
Mamlukatmadar Senapati,
Raja of Sandur,
Sandur.

(True Copy)

AGREEMENT MADE THIS First day of April 1949 between the Governor-General of India and the Raja of

SANDUR STATE

WHEREAS in the best interests of the State of Sandur as well as of the Dominion of India it is desirable to provide for the administration of the said State by or under the authority of the Dominion Government;

It is hereby agreed as follows:-

ARTICLE 1.

The Raja of Sandur State hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the 1st day of April 1949 (hereinafter referred to as "the said day").

As from the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

ARTICLE 2

The Raja of Sandur shall with effect from the said day be entitled to receive from the revenues of the State annually for his privy purse the sum of Ninty thousand rupees free of taxes. This amount is intended to cover all the expenses of the Ruler and his family, including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc. and will neither be increased nor reduced for any reason whatsoever.

The said sum may be drawn by the Raja in four equal instalments in advance at the beginning of each quarter by presenting bills at the State Treasury or at such other Treasury as may be specified by the Dominion Government.

ARTICLE 3

The Raja shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State property) belonging to him on the date of this agreement, and specified in the schedule hereunto appended.

ARTICLE 4

The Raja, the Rani, the Rajmata, the Yuvraj and the Yuvrani shall be entitled to all personal privileges enjoyed by them whether within or outside the territories of the State, immediately before the 15th day of August 1947.

ARTICLE 5

The Dominion Government guarantees the succession, according to law and custom, to the gadi of the State and to the Raja's personal rights, privileges, dignities and titles.

In confirmation whereof Mullath Kadingi Vellodi Secretary to the Government of India in the Ministry ofStates has appended his signature on behalf and with the authority of the Governor-General of India and Raja Shrimant Yeshwantarao and Rao Sahib, Hindu Rao Ghorpade, Raja of Sandur State has appended his signature on behalf of himself, his heirs and successors.

Raja of Sandur State.

Secretary to the Government of India,
Ministry of States.

Dated 1st April 1949.

Dev. Dept. 9

Issue
FR
4/5/49

PP 1-7 Cf

43
6/5

Memo. No: 45581-K/49-1 dt. 4-5-49

States — Sandur — Merger in the Madras Province — Application of laws.

Ref:- G.O. Ms. No: 1145, Pub. (Poll.) dt. 27/4/49.

A copy of the G.O. cited is communicated to the R.J.S.C. He is requested to furnish this Dept. with a list of the Acts etc. relating to Companies, Firms and Societies in force in the Sandur State and to submit proposals for their replacement by the laws in force in this Province. An early reply is requested

Action being taken separately with regard to Cuddapah Control orders

To the R.J.S.C. etc.
R.D. 4-5-49.

FR 5/5/49

3.5.49

11

Companies Department.

From

Sri H. Krishnamurti,
Registrar of Joint Stock Companies,
Madras.

55489
27.5.49

To

The Secretary to Government,
Development Department,
Fort St.George.

Sir,

C.No.1510/49, dated 24th May 1949.

Sub: States - Sandur - Merger in the Madras Province - Application of Laws.

Ref: Memorandum No.45581-K/49-1, Devt., dated 4-5-1949.

p 9 above.

A list of the Acts relating to Companies, Firms and Societies in force in the Sandur State, called for in the above Government Memorandum is annexed.

p. 12 infra

2. The Indian Companies Act, 1913 (VII of 1913), the Societies Registration Act, 1860 (XXI of 1860), The Indian Contract Act, 1872 (Contract Act IX of 1872) and the Indian Partnership Act, 1932 (IX of 1932) which are in force in the Province may be made applicable to the Sandur State in the place of the corresponding existing laws.

Encl. - one.

msd.25.5.

for Registrar.

p.t.o.

12

Annexure.

List of Acts relating to Companies, Firms and Societies in force in the Sandur State.

1) Joint Stock Companies

The Mysore Companies Act,1917, as amended by Mysore Acts upto 31.3.1943.

2) Societies.

Mysore Act of 1904 (Act No.III) extended by Act II of 1945.

3) Firms.

There seems to be no regulation governing firms in the State.

for Registrar of
Joint Stock Companies.

Madras,d/24.5.1949.

Issue
8.6.49

116/10/6.

EP II-12(f

13

DEVELOPMENT (K) DEPT.

MEMO. NO 45581 K/49-2 dated 8-6-49

STATES - Sandur - Merger - Taking over of administration.

Ref:- From the R.J.S.C., C.No. 1510/49 dated 24.5.49.

The R.J.S.C. is requested to ascertain and report the authorities by whom the Mysore Companies Act, 1917 and the Mysore Act of 1904, relating to Companies and Societies respectively, are administered in the Sandur State and whether they are being continued in service. He is also requested to send a copy of the Mysore Act of 1904 for reference.

2. The Registrar is ~~also~~ requested to state whether the following Acts ~~should~~ need not ~~also~~ be extended to the merged area and why they were omitted by him:-

1. Capital Issues (Continuance of Control) Act, 1947.
2. The Banking Companies Act, 1949.

PTO.,

2- 14

3. The Public Companies (Limitation of Dividends) Act, 1949.

To The R.J.S.C.

7.6.49

R.D. 47/49
GR. issued on 4.7.49.
N.R. 22.7.49.

15

Companies Department.

From: Sri H. Krishnamurti,
Registrar of Joint Stock Companies,
Madras.

1858
8-7-49

To: The Secretary to Government,
Development Department,
Fort St.George.

C.No.1510/49,d/6th July 1949.

Sir,

Sub: States - Merger - Sandur - Taking over of administration.

Ref: Memorandum No.45581-K/49-2,Devt.,dated 8-6-1949.

pp 13-14 above

It has been ascertained from the Special Officer

p.t.o.

16

in Charge of Sandur State administration that the Mysore Companies Act,1917 and the Mysore Act,1904 are administered by the General Secretary to Government, Sandur State in his capacity as the Registrar of Joint Stock Companies. Sri N.Ramachandra Sastri is the General Secretary and he continues in service under the present administration. Spare copies of the Acts referred to in the above Government memorandum are not available. The Registrar of Joint Stock Companies,Mysore has therefore been requested to supply them and the same will be submitted to Government as soon as they are received. A further report will be submitted on or before 15.7.1949.

for Registrar. 7.7.49

encl.nil.
msd.7.7.

137/137

Def Dept 17

Issue
AP
12/7/49

Memo: No: 45581-K/49-3 dt 12-7-49

States — Sandur — Merger — Taking over of administration.

pp 15-16 cf Ref Yours No R.J.S.C., C.No: 1510/49 dated 6-7-49.

The attention of the R.J.S.C. is invited to para 2 of Dept. Memo: No: 45581-K/49-2 dt 8.6.49 and he is requested to furnish the information called for therein at an early date.

pp 13-14 cf

Dated

BK 11.7.49 AP 12/7/49

Draft (sd)

To the R.J.S.C.
R&D. 3-8-49.

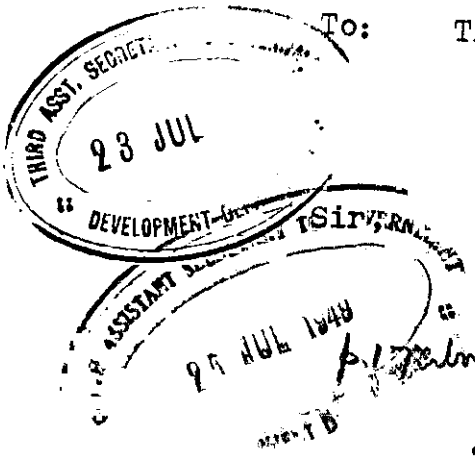
19

Companies Department.

From: Sri H. Krishnamurti,
Registrar of Joint Stock Companies,
MADRAS.

To: The Secretary to Government,
Development Department,
FORT ST.GEORGE.

C.No.2319/49,dated 22.7.1949.



Sub: States - Sandur - Merger - Taking over of administration - Report - Submitted.

Ref: Memorandum No.45581-K/49-3,Devt.,dated 12.7.49.

:0:

1 The following Acts referred to in Government Memorandum No.45581-K/49-2, Devt. dated 8-6-1949 may also be extended to the merged area:-

(1) Capital Issues (Continuance of Control) Act,1947
(2) The Banking Companies Act, 1949.
(3) The Public Companies (Limitation of Dividends) Act,1949

2. The Registrar of Joint Stock Companies, Mysore who was addressed for copies of Mysore Companies Act,1917 and Myso

p.t.o.

20

Act of 1904 has not sent them yet. They will be submitted on receipt.

encl.nil.

msd. 22.7.

for Registrar, 22/7/49

Have not received Sch. Calcutta by Air so Counter with the Sanders Blue co of the LD 22/7

C.F. 73. G O 120 d DEPARTMENT.

Paper taken out of the Records from the charge of the Referencer.

Press / Miscellaneous / Routine. No. _____, dated 25/7/50 19

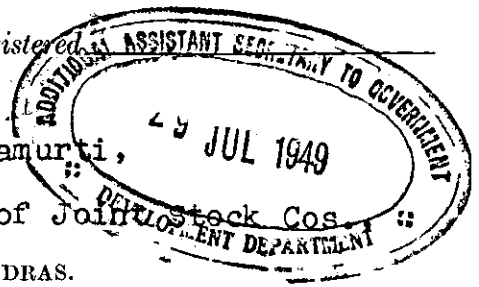
Date taken out.	For what purpose. Department.	C. No.	Year.	Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
26/50	Rev	46282		K.B.N.		
9/2/51	Rev	1736	50	D.B		
9/2/51	Rev	B2 C.D.	21/50	P.N.S		
22/2/51	Legal Branch	in crl 1926/50				
27/4/51	Rev	[illegible]		[illegible]		

21

Companies DEPARTMENT.

In reply, please quote number, date and short title

Received 79100 29.7.49 *Registered*



From (Name) Sri H. Krishnamurti,

(Designation) Registrar of Joint Stock Cos.

Post Box_____, Madras.

*Telegraphic Address*_____

To

The Secretary to Government,
Development Department,
Fort St.George.

No. C.2319/49 *dated* 27-7-1949. ~~-194-~~

Sir,

* Sub: States - Sandur - Merger in the Madras Province - Application of Laws.

Ref: Government memorandum No.45581 K/49-1, Devt., d/4-5-1949 and subsequent Orders.

.O.

Enclosures_____
nrex
p.9 cf
pp.13-14 and 17cf

Spare Copies_____

1/ Proposals for the replacement of the Acts etc. relating to companies, firms and societies in force in the Sandur State by the laws in force in this Province were submitted to Government in reply to the above memorandum in my letters Nos.C.1510/49 dated 24-5-1949 and C.2319/49 dated 22-7-1949. In this connection I submit that with regard to the merger of Pudukottai and Banganapalle States, Government informed me in memorandum No.129498-K/48-1, Devt. dated 15.12.1948, that it was necessary to vest the Registrar of Joint Stock Companies with the

pp.11-12 cf
pp.19-20 cf
not put up

p.t.o.

22

necessary authority to function under the relevant State law, until the Acts in force in this Province were applied to those States. Orders were accordingly issued in G.O. (D) Ms.No.1543,Devt.,dated 24-3-1949 with regard to Pudukottai State. I therefore request that as regards Sandur State orders may kindly be issued pursuant to the Extra Provincial Jurisdiction Act, 1947 vesting me with necessary authority to function under the Mysore Companies Act,1917 which is in force in the State.

✓ pp.13-14 cf 2. A copy of the Mysore Act No.III of 1904 called for in Government Memorandum No.45581-K/49-2,Devt.,dated (X) 8-6-1949 is enclosed herewith.

encl.

msd.
27.7.

for Registrar.

Dev. Dept

Submitted for perusal. The main file on the subject has been submitted to A.S on 29.7.49 with a draft notification vesting the R.J.Sc. with powers to function under the relevant State laws. No separate action is called for on this. This may be added to the main file. ~~on the return.~~

30.7.49 1/8/49

Dev. (IK) Dept.
C No: 45581-K/49

Telephone Message.

From the Asst. Secretary to Govt.
Development Dept.

To

The Superintendent,
Govt. Press.

Subj:— Acts — Merged States (Laws) Act, 1949 (Central Act LIX of 1949) — Copies — Supply.

Please send urgently three copies of the Merged States (Laws) Act, 1949 (Central Act LIX of 1949) as republished in the issue of the first St. George Gazette dated 17-1-50.

18.1.50. 18/1/50

18/1/50

T.M. issued 18.1.50.

P.C. to go. 18/1/50

Note

RD 25/1/50

Copies of the Act received on 25/1/50.

25.1.50.

S.G.P. 118.

ORIGINAL.
(to be retained).

33055

Government Press,
MINT/M.R./PENY. BRANCH.
H.D./2D./1D./Sales/Binding.

Gaz

To

Madras, 20/1/50 194

The Assistant Secretary
Development Dept. Jm.1

The following have been sent by Post/Railway parcel/ Goods under Railway Receipt No.——— and booked on———.

Act No. LIX of 1949
Mysore States (Laws) Act-
1949.

3 cop

J-33055
20/1/50.

Duplicate signed by the
Supdt. and returned to
S.G.P. on 25.1.50

25/1/50.

Development Department.

Letter No. 45581-K/49-10 Dated.- 16-3-50.

To

The Secretary to the Government of India,

Ministry of Commerce, New Delhi.

Sir,

Sub:- States - Merged States of Banganapalle, Pudukkottai and Sandur - Chartered Accountants Regulations, 1949 - Extension.

I am directed to address the Government of India on the question of extension of the Chartered Accountants Regulations, 1949 to the merged States of Banganapalle, Pudukkottai and Sandur.

2. Secton 3(2) of the Merged States (Laws) Act, 1949, (Central Act LIX of 1949) extends to the merged States only the enactments specified in the Schedule and does not expressly provide for the extension of the rules and regulations made thereunder. In view of this and in view of the fact there is no provision in the Chartered Accountants Act, 1949, that the Regulations made under section 30 of that Act have effect as if enacted in the Act, the Govt. of Madras consider it desirable to extend these Regulations specifically to the merged States. I am, accordingly, directed to request that necessary steps may be taken to apply specifically to the merged States of Banganapalle, Pudukkottai and Sandur the Chartered Accountants Regulations, 1949.

Y.F.

Copy to the R.J.S.C.

Issue CP 11/2/49

G.O. No: 45581-K/49. 24/3/50

DEVELOPMENT (K) DEPT.

STATES - Sandur - Merger - Madras Partnership (Registration of Firms) Rules, 1932 - Applied - Appointment under section 57(1) of Indian Partnership Act, 1932 - Notified.

H 7-15 (M) Read:- G.O. Ms. No: 4304 Dev. dep. 23-8-49.

ORDER MS. NO. 1204 DATED 25.3.50

The following notifications will be published in English in the Fort St. George Gazette and in English and in the Chief languages of the district in the District Gazette of Bellary. Notification No. III will be published in English and in the chief languages of the Districts in the Districts Gazettes of Kurnool and Tiruchirapalli.

1 & draft notfn. I on p. 1 of (D)

NOTIFICATIONS.

I

In exercise of the powers conferred by sections 26 (2) and 248(2), (4) and (5) of the Indian Companies Act, 1913 (Central Act VII of 1913), His Excellency the Governor of Madras hereby directs that the following Regulations, as for the time being in force in the Bellary district in the State of Madras, shall apply, with effect on and from the date of publication of this notification in the Fort St. George Gazette, to the merged territory of Sandur in the said district:—

(i) Regulations under section 26(2) of the Indian Companies Act, 1913 (Central Act VII of 1913) published with Home (Judicial) Department Notification No. 156 dated the 23rd February ~~1947~~ 1917 at page 237 of Part I of the Fort St. George Gazette dated the 27th February 1917, as subsequently amended.

(ii) Regulations under section 248(2), (4) and (5) of the Indian Companies Act, 1913 (Central Act VII of 1913) published with Judicial Department Notification No. 518 dated the 6th June 1916 at pages 725 to 734 of Part I of the Fort St. George Gazette dated the 4th July 1916, as subsequently amended.

II

Appl-2 (I)

In exercise of the powers conferred by section 71(2) of the Indian Partnership Act, 1932 (Central Act IX of 1932), His Excellency the Governor of Madras hereby directs that the following Rules, as for the time being in force in the Bellary district in the State of Madras, shall apply,

B 30/

with effect on and from the date of publication of this notification in the Fort St. George Gazette, to the merged [~~State~~] territory of Sandur in the said district:-

The Madras Partnership (Registration of Firms) Rules, 1932, published with Law (General) Department Notification No. 868 dated the 1st December 1932 at pages 1925-1928 of Part I of the Fort St. George Gazette dated the 13th December 1932 as subsequently amended.

III

In exercise of the powers conferred by section 57(1) of the Indian Partnership Act, 1932 (Central Act IX of 1932), and in supersession of Development Department Notification No. 863 dated the 23rd August 1949, published at page 1413 of Part I of the Fort St. George Gazette dated the 6th September 1949, His Excellency the Governor of Madras hereby appoints the Inspector-General of Registration, Madras, to be the Registrar of Firms for the purposes of the said Act throughout the State of Madras including the merged territories of Banganapalle, Pudukkottai and Sandur [~~as if the said territories were part of the Bellary district~~] ~~territory of Sandur as if the said territory were part of the Bellary district in the said State.~~ Kurnool, Tiruchirapalli and Bellary districts respectively in the said State.

This notification shall be deemed to have come into force on the 1st January 1950.

2. Sec. 3(2) of the Merged States (Laws) Act, 1949, extends to the merged State only the enactments specified in the Schedule and does not expressly provide for the extension of the rules and regulations made thereunder. In view of this and in view also of the fact that there is no provision in the Indian Companies Act, 1913 that the rules made by the High Court under sec. 246 of that Act have effect as if enacted in the Act [c.f. s.151(5)], the Registrar, High Court, is requested to take necessary steps to apply specifically to the merged territory of Sandur the Indian Companies Rules, Madras, 1940, made by the High Court under s246 of the Indian Companies Act, 1913.

13.8.50 14/8/50

15/3/50

To The S.G.P. for publn. of the F.S.G.G. He is requested to send 6 copies of the notfn. to the Senior Translator to Govt.
To The Senior Translator to Govt.
To The ~~Senior Translator to Govt~~
To The Secy. to the Govt. of India, Ministry of Commerce.
To The Secy. to the Govt. of India, Ministry of States (3cps)
To The Bd. of Revenue.
To The D.P.I. & P.
To All Collectors, To all Heads of Depts.
To The Regr. High Court, Madras.

× Entered as item No. 440 6th 1-4-50

[C.B.E. para 2 × 1-6-50]

To ~~Dept. of Excpt Pubs.~~

GOVERNMENT OF MADRAS
Abstract

STATES ~~&~~ Sandur - Merger - Madras Partnership (Registration of Firms) Rules 1932 and Regulations framed under Indian Companies Act, 1913 - Applied - Appointment under Section 57(1) of Indian Partnership Act, 1932 - Notified.

DEVELOPMENT DEPARTMENT

G.O.Ms.1204 Dated the 25th March 1950.

Read:-
G.O.Ms.No.4304, Development dated 23-8-49.

Order:

The following Notifications will be published in the English in the Fort St.George Gazette and in English and in the chief languages of the district in the District Gazette of Bellary. Notification No.III will be published in English and in the chief languages of the Districts ~~Gaz~~- in the District Gazettes of Kurnool and Tiruchirapalli also.

N O T I F I C A T I O N S.

I

In exercise of the powers conferred by Sections 26(2) and 248(2), (4) and (5) of the Indian Companies Act, 1913 (Central Act VII of 1913), His Excellency the Governor of Madras hereby directs that the following Regulations, as for the time being in force in the Bellary District in the State of Madras, shall apply, with effect on and from the date of publication of this Notification in the Fort St.George Gazette, to the merged territory of Sandur in the said district:-

(i) Regulations under Section 26(2) of the Indian Companies Act 1913 (Central Act VII of 1913) published with Home (Judicial) Department Notification No.156 dated the 23rd February 1917 at page 237 of Part I of the Fort St.George Gazette dated the 27th February 1917, as subsequently amended.

(ii) Regulations under Section 248(2),(4) and (5) of the Indian Companies Act, 1913 (Central Act VII of 1913) published with Judicial Department Notification No.518 dated the 6th June 1916 at pages 725 to 734 of Part I of the Fort St.George Gazette dated the 4th July 1916, as subsequently amended.

II

In exercise of the powers conferred by section 71(2) of the Indian Partnership Act, 1932 (Central Act IX of 1932), His Excellency the Governor of Madras hereby directs that the following Rules, as for the time being in force in the Bellary district in the State of Madras, shall apply, with effect on and from the date of publication of this notification in the Fort St.George Gazette, to the merged territory of Sandur in the said district:-

The Madras Partnership (Registration of Firms) Rules 1932, published with Law (General) Department Notification No.868 dated the 1st December 1932 at pages 1925-1928 of Part I of the Fort St. George Gazette dated the 13th December 1932 as subsequently amended.

P.T.O.

32

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III

In exercise of the powers conferred by section 57(1) of the Indian Partnership Act, 1932 (Central Act IX of 1932), and in supersession of Development Department Notification No.863 dated the 23rd August 1949, published at page 1413 of Part I of the Fort St.George Gazette dated the 6th September 1949, His Excellency the Governor of Madras hereby appoints the Inspector-General of Registration, Madras to be the Registrar of Firms for the purposes of the said Act throughout the State of Madras including the merged territories of Banganapalle, Pudukkottai and Sandur in Kurnool Tiruchirapalli and Bellary Districts respectively in the said State.

This Notification shall be deemed to have come into force on and from the 1st January 1950.

2.Section 3(2) of the Merged States (Laws) Act, 1949, extends to the merged State only the enactments specified in the Schedule and does not expressly provide for the extension of the rules and regulations made thereunder. In view of this and in view also of the fact that there is no provision in the Indian Companies Act, 1913 that the rules made by the High Court under Section 246 of that Act have effect as if enacted in the Act (c.f.s.151(5)) the Registrar, High Court is requested to take necessary steps to apply specifically to the merged territory of Sandur the Indian Companies Rules, Madras, 1940, made by the High Court under section 246 of the Indian Companies Act, 1913.

/By Order of His Excellency the Governor/

R. Koteswara Rao,
Deputy Secretary to Government.

To the Superintendent,
Government Press for publication of the Notifications in the Fort St.George Gazette. He is requested to send 6 copies of the notifications to the Senior Translator to Government.
To the Senior Translator to Government.
" the Registrar of Joint Stock Companies.
" the Inspector-General of Registration.
" the Secretary to the Government of India, Ministry of Commerce.
" the Secretary, to the Government of India, Ministry of States, (3 copies).
" the Board of Revenue.
" the Director of Information and Publicity.
To all Collectors.
" all other Heads of Departments.
" the Registrar of, High Court, Madras.
" the Departments of the Secretariat except Development.

Forwarded/By Order/

SUPERINTENDENT.

THIRU.27/3.

80 28/3

Dev. Dept.

Extract from Call Book of 'K' Section. 35

S. No: 440 C.No: 48082-K/50
Date of entry in register: 1-6-50
4-50.

FIFTH ASSISTANT SECRETARY TO GOVERNMENT
1 JUN 1950
DEVELOPMENT DEPARTMENT

Subject: States — Sandur — Merger — Madras Partnership (Registration of firms) Rules, 1932 and Regulations under Indian Companies Act, 1913 — Application.

Old current No: C.No. 45581-K/49

No. and date of G.O. etc. authorising the entry: G.O. Ms. No. 1204, Dev. (Q) dated 25-3-50. (para 2)

Date when further action is to be taken: 1-6-50.

1.6.50

Memo: No. 48082-K/50-1 dated 5-6-50. Dev. Depts 1P 6/6

Sub: States — Sandur — Merger — Indian Companies Rules, Madras, 1940 made by High Court under section 246 of Indian Companies Act, 1913 — Application.

Ref G.O. Ms. No. 1204, Dev. dated 25-8-50. pp 21-24 of (2)

The attention of the Registrar, High Court, Madras, is invited to para 2 of the G.O. cited and he is requested to state whether the Indian Companies Rules, Madras, 1940, made by the High Court under section 246 of the Indian Companies Act, 1913, have been applied to the merged territory of Sandur and, if so, to send a copy of the High Court's proceedings in the matter.

p.30 of (2)

Adopt up

8/6/50 3/6/50 5/6/50

To The Registrar, High Court, Madras

R.D. 26/-

25

R.O.C.NO. 2909/50 B.1.

From

Sri K.N.Ganpati, B.A., Bar-at-law,
Registrar, High Court of Judicature,
Madras.

96162
22-9-50.

The Secretary to Government,
Development Department,
Fort St. George, Madras.

Dated 19th September 1950.

Sir,

Subject: STATES - Sandur - Merger - Indian Company Rules, 1940 - Application.

Reference: Correspondence resting with the Assistant Registrar's letter R.O.C.2909/50-B1 dated 24-8-1950.

The Hon'ble the Judges consider that when a rule-making power is conferred by an enactment of the legislature on a body designated for that purpose, the rules made by that body within the ambit of that power and in conformity with the provisions of the parent enactment, become part of the enactment itself. In some cases the enactment itself provides expressly

P.T.O.

that rules so made shall have force and effect as if they formed part of the enactment itself, while in other cases the enactment is silent. In both cases the rules will have the force of law in the territories to which the main enactment applies, unless the rule-making authority is required to specify territorial limits for the operation of the Rules. Sandur is part of the Bellary District and is administered as part of the Madras State in all respects. Their Lordships therefore consider it unnecessary to extend the Indian Company Rules 1940 to Sandur area by a notification.

2 This applies to Pudukottai and Banganapalle areas also.

REGISTRAR.

vs

Government of Madras.
***

MAY 1949

54606
25-5-49.

Extract from Public (Political) Department file No.2677/49.

States - Sandur - Merger - Taking over the administration of Departments.

Substituted - vide pp.3-6 infra.

1/ Under instructions from the Government of India this Government took over the administration of Sandur State in July 1948. From then the administration of the State is being carried on by this Government in the name and on behalf of the Ruler. All matters relating to the administration of the State were being attended in this department.

pp.7-8 cf (F)

2. Now the Ruler of Sandur has signed the merger agreement agreeing to the merger of the State with the Indian Union with effect from 1-4-49. The Government of India have also issued a notification delegating to this Government under the Extra Provincial Jurisdiction Act, necessary powers for the governance of the merged area. The Government of India notification will be published in an extraordinary issue of the Fort St.George Gazette.

3. It has already been decided that in respect of the merged States the Departments of the Secretariat should attend to the matters (including the extension of laws) with which they are concerned - Vide Public (Political) U.O.Note No.2971/48-2 dated 5-8-48. The Departments of the Secretariat may therefore be requested to take necessary action for the taking over the administration of the Departments in the Sandur State with which they are concerned by the concerned Heads of Departments of this Government.

not put up

4. As regards the extension of the laws in force in this Province to Sandur this Department have suggested in a note to be sent to Home Department that the laws in force in this Province need not be extended immediately and that pending the extension of the laws in force in this Province, the State laws may be retained and that orders may be issued retaining the existing State laws and judicial institutions. Orders in this regard will be issued in Home Department. It seems that to enable our Heads of Departments to take over the administration of the departments in the State and run them with reference to the State laws a formal authorisation by Government under the Extra Provincial Jurisdiction Act,1947 will be necessary. Legal may be requested to advise.

A

xx xx xx

Legal Department.

A above (on page 2 ante): This Department agrees with the view of the Public (Political) Department expressed here.

B

xx xx xx

Public (Political) Department.

A.R.N. Proposal (i) above. Extracts of paragraphs 1 to 4 of this department's note (on pp.1-2) and of Legal's note at B (on page 3) above may be sent to all departments of the Secretariat (all sections) including Public for necessary action.

In the case of Pudukkottai and Banganapalle each notification was issued separately by the department concerned and the same procedure may be followed in the case of Sandur also. Each Act may

be/...

be examined separately and applied to Sandur in the orders of urgency with such modifications, adaptations or omissions as are necessary. There seems to be no special advantage in issuing a consolidated notification. On the other hand the consolidation work is likely to cause delay and complications. It might be necessary to extend some of the fiscal Acts immediately for administrative or other reasons and it seems unnecessary to delay such Acts for the sake of issuing an omnibus and consolidated notification. Such a notification with various modifications and saving clauses and schedules will also be inconveniently large and cumbersome. The departments may therefore examine each case and issue a consolidated notification in respect of all the Acts with which they are concerned as far as possible. Urgent and isolated cases may be dealt with separately.

xx xx above xx

I still think that for the reasons stated (at page 5 ante) it would be more convenient to leave it to the departments concerned to issue a consolidated notification in respect of all the Acts with which they are concerned. As all notifications will be scrutinised by Legal and as that department have recently circulated to all departments a model notification, uniformity in language may be expected.

A.

xx xx xx

A.R.N.
16-5-49.

I agree. The procedure suggested at A above may be followed.

C.K.V.
17-5-49.

Public (Political) Department.

U.O.Note No.2905/49-2 dated the 19th May 1949.

Communicated to the Departments of the Secretariat, for necessary action.

C.K.Vijayaraghavan,
Chief Secretary to Government.

To the Departments of Secretariat including Public (all sections.

Forwarded, By order

Superintendent.

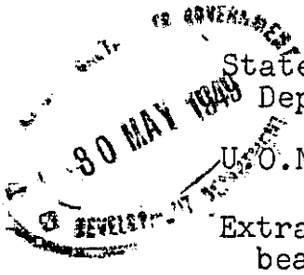
mdk.23/5-

3

Government of Madras.
Public (Political) Department.
***

U.O.Note No.2905/49-3 dated the 26th May 1949.

56496
30-5-49



States - Sandur - Merger - Taking over administration of States Departments and application of Provincial and Central laws.

pp 1-2 ante

U.O.Note No.2905/49-2 Public (Political) dated 19-5-1949.

Extracts of notes Public (Political) Department file bearing C.No.2677/49.

...

The Departments of the Secretariat may be requested to substitute the following extracts for those communicated with the U.O. note of the same number and date as mentioned above:-

FP 7-8 CL 1/ Now the Ruler of Sandur has signed the merger agreement agreeing to the merger of the State with the Indian Union with effect from 1-4-49. The Government of India have also issued a notification delegating to this Government under the Extra-Provincial Jurisdiction Act, necessary powers for the governance of the merged area. The Government of India notification has already been published in an extraordinary issue of the Fort St.George Gazette.

(F)

2/ It has already been decided that in respect of the merged States the Departments of the Secretariat should attend to the matters (including the extension of laws) with which they are concerned - vide Public (Political) U.O. Note No.2971/48-2 dated 5-8-48. The Departments of the Secretariat may therefore be requested to take the necessary action for the taking over the administration of the Departments in the Sandur State with which they are concerned by the concerned Heads of Departments of this Government.

sepwt mp

3/ As regards the extension of the laws in force in this Province to Sandur this Department have suggested that the laws in force in this Province need not be extended immediately and that pending extension of the laws in force in this Province, the State laws may be retained and that orders may be issued retaining the existing State laws and judicial institution. Orders in this regard will be issued in Home Department. It seems that to enable our Heads of Departments to take over the administration of the Departments in the State and run them with reference to the State laws a formal authorisation by the Government under the Extra Provincial Jurisdiction Act,1947 will be necessary. Legal may be requested to advise.

A.

4/ As regards the application of the laws in force in this Province, both Provincial and Central to Sandur the Departments of the Secretariat will have to take necessary action for the extension of Acts with which they are concerned, bearing in mind the general instructions issued by the Government of India in their letter No.F.41(7). HB/48 dated 25-2-48. Recently in connection with the application of these laws to Pudukkottai and Bananapalle Legal Department expressed the desirability of issuing a consolidated notification in the place of the piecemeal notifications issued by the different Departments of the Secretariat. Legal may be requested to consider the expediency of asking the different Departments to send to them in due course proposals for the extension of Acts with which they are concerned so that a consolidated notification may be issued from Legal.

pp 3-4 (B) [GO 1635 dt 26/8/49]

B.

Legal may see for remarks.

A.R.N.
29-4-49. Legal.

Public (Political) U.O.
No.2677/49-1 d/29-4-49.

p.t.o.

Legal Department.

A (above) This Department agrees with the view of the
B. Public (Political) Department expressed here.

B (ibid.) The notifications in respect of Pudukkottai and Banganapalle extending the Central and Provincial Acts were issued by the administrative Departments concerned and in some cases by the Public (Political) Department. Before extending the Acts to those two States, heads of departments were consulted as regards modifications to be made in those Acts. Similarly, before extending particular Acts to Sandur it may be desirable, and even necessary, to consult heads of departments concerned and make modifications, if any, that may be required in the Act. This Department may, therefore, suggest that the notifications may be prepared by the administrative departments concerned and then sent to Public (Political) for consolidation and issue. Public will no doubt refer any legal point which may arise to this Department for advice, and also send the consolidated notification for scrutiny by this Department.

(Sd.) xx A.S.I. 7/5/49. xx A.S.II. 7/5/49 xx J.S. 7/5/49 K.V.R. 7/5/49.

Public (Political)

Legal U.O.No.5434/49-1
dated 7-5-1949.

Public (Political) Deptt.

The proposals in this file relate to (1) the taking over the administration of Departments in Sandur by the Heads of Departments concerned and (ii) the extension of laws in force in this province to Sandur

Proposal (i) above. Extracts of (paras 2 to 4) of this department's note above and of Legal's note at B above may be sent to
I.R.N. all Departments of the Secretariat (all sections) including Public for necessary action.

Proposal (ii) above. Legal suggest that this department may collect proposals from the different departments of the Secretariat for the extension of laws to Sandur and then take necessary action for issuing a consolidated notification. It is submitted that if this work is to be undertaken in Public Deptt. then an additional upper division clerk will be required to deal with the subject. As previous proposals for sanction of additional staff for Public (Political) had to be dropped due to the objection of Finance department it is for consideration whether this work may be taken up by this department and the sanction of the post of an additional upper division clerk asked for or in the alternative whether the departments of the secretariat may be asked to issue a consolidated notification in respect of all the Acts with which they are concerned.

In the case of Pudukkottai and Banganapalle each notification was issued separately by the deptt. concerned and the same procedure may be followed in the case of Sandur also. Each Act may be examined separately and applied to Sandur in the orders of urgency with such modifications, adaptations or omissions as are necessary. There seems to be no special advantage in issuing a consolidated notification. On the other hand the consolidation work is likely to cause delay and complications. It might be necessary to extend some of the fiscal Acts immediately for administrative or other reasons and it seems unnecessary to delay such Acts for the sake

of/...

5

of issuing an omnibus and consolidated notification. Such a notification with various modifications and saving clauses and schedules will also be inconveniently large and cumbersome. The Departments may therefore examine each case and issue a consolidated notification in respect of all the Acts with which they are concerned as far as possible. Urgent and isolated cases may be dealt with separately. There will be no need for any additional staff if the above suggestion is accepted.

S

Legal may perhaps see again.

A.R.N.
12-5-49. C.K.V.
12-5-49. Legal.

Pub.(Poll.)U.O.No.
2905/49-1 d/12-5-49.

Legal Department.

Seen in Legal.

The difficulties and disadvantages of each Department issuing separate notifications have already been pointed out by this Department in another file. A copy of that note is placed at flag (V). This Department has no further remarks to offer.

xx xx
A.S.I. A.S.II.
13/5/49. 14-5-49.

If separate notifications are to be issued, apart from the difficulty pointed out in the note at 'V', there will also be the possibility of some of the Acts being omitted, each department thinking that it is not concerned with them, or of some of the Acts being extended by more than one department, one department not being aware of ~~this~~ extension by the other. It is for these various reasons that this department advised the issue of a single consolidated notification.

xx xx
14/5/49.
Pub.(Poll.)

Legal U.O.No.
6036/49-1 d/14-5-49.

Public (Political)Deptt.

It appears from the Legal department note above that they reiterate their original proposal. If that is to be pursued additional staff is absolutely necessary. Public (Political) has already 4 upper division clerks and one Superintendent. If the additional upper division clerk is attached to Public (Political), the section has necessarily to be bifurcated. It is also submitted that the work in this file is not of an ordinary nature and the attention of a full time Superintendent is necessary for the subject. Submitted for orders.

A. I still think that for the reasons stated at page 3 (5) ante it would be more convenient to leave it to the departments concerned to issue a consolidated notification in respect of all the Acts with which they are concerned. As all notifications will be scrutinised by Legal and as that department have recently circulated to all departments a model notification, uniformity in language may be expected. The possibility of some of the Acts being omitted can be avoided by checking the list of Acts extended by the departments. For orders whether in the circumstances the question of issuing a consolidated notification by Public (Political) may be dropped. If, however, it is considered that Public (Political)

C.K.V. 17/5

should/...

b/

should undertake the work, Finance may be requested to agree to the proposal to sanction the post of a Superintendent say, for 2 months for the present.

A.R.N
16-5-49. C.S.

I agree. The procedure suggested at A/above may be followed.

C.K.V.
17-5-49.

/True copy/
To the Departments of the Secretariat
including Public(all sections.)

mdk.26/5- Superintendent.

DEVELOPMENT DEPARTMENT.

Extracts of the notes and orders on pp.3-6 above from the file of Pub.(Political) relating to the merger of Sandur State may be ~~pursued~~ pursued. The ~~main~~ proposals dealt with in the Pub.(Pol.) Dept's note relate to:-

(i) the taking over of the administration of the Departments in Sandur by the Heads of Departments concerned; and

(ii) the extension of laws in force in this Province to Sandur.

With reference to item (i) above, it has been suggested that a formal authorisation under the Extra-Provincial Jurisdiction Act, 1947, may be issued so as to enable the Heads of Departments to take over the administration of the departments in the State and run them with reference to the state laws. As regards itemm (ii) above it has been suggested that the departmenats of the Secretariat may examine the Acts with which they are concerned and issue a consolidated notification in respect of all the Acts as far as possible, urgent and isolated cases being dealt with separately. It has been suggested in this connection that the laws in force in this Province need not be extended immediately to the Sandur State and that, pending the extension of the laws in force in this Province, the state laws may be retained.

2. Attention is invited to the letter from the R.J.S.C. on pp.11-12 c.f. in reply to this Dept. Memo. on p. 9 c.f. The

R.J.S.C. has suggested the extension of the following Ac to the Sandur State:-

(i) The Indian Companies Act, 1913 (Central Act VII of 1913);

(ii) The Societies Registration Act, 1860 (Central Act XXI of 1860);

(iii) The Indian Contract Act, 1872 (Central Act IX of 1872);

(iv) The Indian Partnership Act, 1932 (Central Act IX of 1932).

In addition to the above, there are also the Capital Issues (Continuance of Control) Act, 1947 (Central Act XXXIX of 1947), the Banking Companies Act, 1949 (Central Act X of 1949), the Public Companies (Limitation of Dividends) Ordinance 1948, the Rules and Regulations framed under the Indian Companies Act, 1913 including the Auditor's certificates Rules, 1932, and the Rules framed under the Indian Partnership Act, 1932. These may also be extended to the Sandur State as in the case of Banganapalle and Pudukottai. There seems, however, to be no special urgency to extend any one or all of the above enactments immediately. A list of the above enactments may be furnished to "J" Section in case it proposes to issue a consolidated notification in due course extending all the Acts with which this Dept. is concerned.

3. The R.J.S.C. has stated that the following are the parallel laws relating to Companies and Societies in force in the Sandur State:-

(i) The Mysore Companies Act, ~~1947~~ 1917, as amended by Mysore Acts upto 31.3.1943.

(ii) Mysore Act of 1904 (Act No III) extended by Act II of 1945.

Till the Indian Companies Act, 1913 and the Societies Registration Act 1860 are extended to the Sandur State, the R.J.S.C. and the I.G. of Registration of this Province should be empowered to function under the State laws mentioned above. In order to facilitate the issue of a suitable notification on the lines of the one at flag (D), the R.J.S.C., may be asked to ascertain and report the respective authorities by whom the state laws mentioned at [redacted] above are administered and also to send

a copy of the Mysore Act of 1904 relating to Societies in force in the State. Subject to orders, a draft Memo. to the R.J.S.C. is submitted for approval.-

Copy of the Act is forwarded, if wanted

31.5.49. 1.6.49

With reference to the orders at 'M' on p7 above, a revised draft Memo. to the R.J.S.C. is submitted for approval.

7.6.49 7.6.49

(Issued as Memo. No. 45581-K/49-2 dtd-8-6-49) pp. 13 14 ✓

Copy of U.O.Note No.2819/49-1 Public (Miscellaneous) Department,- dated 13th July 1949.

Sub: States - Sandur - Merger - Extension of Acts etc.
Ref: U.O.Note No.2905/49-2 Public (Political) Department, dated 19th May 1949.

77869 25.7.49 S

In the U.O.Note cited, it was ordered that a consolidated notification in respect of all the Acts that are to be extended to Sandur State should be issued by each department of the Secretariat, in which case, so far as the Public Department are concerned, such a consolidated notification would issue from Public (Miscellaneous) Department. As it has not been practicable to follow this procedure, it has now been decided that each section in the Public Department should itself issue notifications applying the Acts with which it is concerned to Sandur. Public (General-A), Public (S.C.), Public (General-C) and Public (Services-D) are requested to take action accordingly in the matter.

*****

Development (J) Department

To A.S.

Ref: Page 1 ante

Submitted for perusal. It was ordered in Public Department U.O.Note No.2905/49-2 dated 19.5.1949 (copies of which have been sent to all sections) that a consolidated notification in respect of all the Acts that are to be extended to Sandur State should be issued by each department of the Secretariat, in which case so far as Development are concerned, such a consolidated notification would issue from Development 'J' section. As it has not been practicable to follow the procedure, it has now been decided by Public that each section in Public Department should itself issue notification applying the Acts with which it is concerned to Sandur. A similar procedure may with advantage be followed in this Department by Sections to avoid cumulative delay.

Vide 'M' above

P.T.O.

A copy of Public U.O.Note No.2819/49-1 dated 13.7.1949 together with a copy of this note may be given to all sections for further action.

V.Kasthuri Rangaswamy,
Assistant Secretary to Government.

Forwarded/By Order

Superintendent

MS/21-7/

pp.15-16 Cf
pp.19-20 Cf.

From the R.J.Sec., C.No. 1510/49 dtd. 6-7-49 and C.No. 2319/49 dtd. 22.7.49.

Note of this Dept. on pp. 6-8 above, the U.O. note of Pub. (Pol.) and extract of 'J' sec. note on pp. 8-9 above may be perused. The replies received from the R.J.Sec. to this Dept. memo. on pp. 13-14 Cf. are on pp 15-16 and 19-20 Cf. The Mysore Companies Act, 1917 and the Mysore Societies Act of 1904 (Act No. III) p. 12 Cf are the parallel laws relating to Companies and Societies in force in the Sandur State. The R.J.Sec. and the I.G. of Registration of this Province, who administer the Indian Cos. Act, 1913 and the Societies Registration Act, 1860, respectively may therefore be authorised to take charge of the administration of the ~~corresponding laws with which they are concerned~~ State laws mentioned above. A draft order is submitted below for approval.

2. As regards the extension of laws in force in this Province to the Sandur State, it has now been decided that each section in this Dept. should itself issue or notifications applying the Acts, with which it is concerned, to Sandur. Necessary action in this regard may be taken after the issue of the draft order below. 'S' on p. 8 line

3. The file may be sent to Legal for scrutiny of the draft

notification below

27.7.49 29/7/49 2/8/49 Legal.

Dev. Dept. No. No:
4558/-K/49-4 dy 2.8.49

LEGAL DEPARTMENT.

No orders under the Extra-Provincial Jurisdiction Act, 1947, can issue now -- see the proviso to paragraph 4 of the order under new section 290-A of the Govt. of India Act, 1935 which came into force on the 1st August 1949 and which prohibits the issue of any order by any authority under that Act after that date.

2/8/49

Dept.
8137
5-8-49.
Dev (K) Deptt:

ASSISTANT SECRETARY 9823 LEGAL

Extra Provincial Act cannot now issue

Legal. u. o. No. 9823/48.
4.8.49

AUDITIONAL ASSISTANT SECRETARY TO GOVERNMENT 5 AUG 1949 DEVELOPMENT DEPARTMENT

Legal Deptt's notes above. It is understood that an ordinance in this regard will be issued shortly. This may lie over till 25-8-49 or till the issue of the ordinance whichever is earlier. Pub. (Poll). may see in the meanwhile

9/8/49 Pub (Poll).

Public (Political) department

Dev 4581K/49-5
4872
8.49.

ASSISTANT SECRETARY 11 AUG 1949 CHIEF SECRETARIAT

file B

Notes of development and Legal at p. p 9-10 above may be perused. The question of issuing an ordinance is separately under consideration. Final orders in the matter will no doubt be communicated to the departments of the Secrtt. in due course.

The file may be returned to development.

14/8/49 Cur 19.8.49 19/8/49

Pub (Poll) 4872/49
22/8/49

dev. 85918 K
22.8.49.
Dev (K) Deptt:

In view of Pub (Poll) Deptt notes above, this case

[P. T. O.]

4553 E 1/49

may lie over till 10-9-49 or till the issue of the Ordinance whichever is earlier

P3 22.8.49 LP 23/8/49

'B' on p.10 above

Public (Political) have stated that the question of issuing an ordinance extending the Central ~~Acts~~ and Provincial Acts to the merged States is separately under consideration and the decision arrived at will be communicated to the Departments of the Secretariat in due course. This may therefore continue to lie over till 25.9.49 or till the receipt of ~~the further Communication~~ from Pub (Poll), whichever is earlier

A

8/9/49 LP 8/9/49

Final orders regarding the question of issuing an Ordinance extending the Central and Provincial Acts to the merged States have not yet been received. This may, therefore, continue to lie over till 20.10.49 or till the receipt of further communication from Pub. (Pol.) whichever is earlier.

26.9.49 LP 26/9/49

XY

The file relates to :-

(1) the taking over of the administration of the State Laws relating to Companies and Societies in force in the merged State of Sandur; and

(ii) the extension of the laws relating to Companies, Societies and Firms in force in this Province to Sandur.

Under Article 4 of the States' Merger (Governors'

(2)

Provinces) Order, 1949, all the laws in force in the merged State of Sandur immediately before 1.8.49, including orders made under Sec. 3 of Sec. 4 of the Extra-Provincial Jurisdiction Act, 1949, shall continue in force until repealed, modified or amended by a competent legislature, and no orders shall be made under the Extra Provincial Jurisdiction Act, 1947, by any authority on or after 1.8.49 in relation to the governance of any of the merged States. As no orders under the Extra Provincial Jurisdiction Act, 1947, can issue now, the laws relating to Companies, Societies and Firms in force in this Province can be extended to the merged State of Sandur only by specific legislation. Public (Pol.) propose to issue an Ordinance in this connection. The issue of the Ordinance may be awaited before proceeding further with the question of the application of the laws relating to Companies, Societies and Firms in force in this Province to the Sandur State.

2. The laws relating to Companies and Societies in force in the Sandur State are:-

(i) The Mysore Companies Act, 1917. 1938

(ii) The Mysore Act of 1904 (Act No.III) .

Powers under the above Acts are vested in the R.J.S.C. and it is reported that the General Secretary to Govt., Sandur State, has been discharging the functions of a R.J.S.C. under the above Acts. No formal authorisation under the Extra Provincial Jurisdiction Act, 1947 enabling the R.J.S.C. of this Province to take charge of the administration of the above State laws is also now possible in view of the proviso to article 4 of the States' Merger (Governors' Provinces) Order, 1949. There is also no provision in either of the above Acts for the appointment of a R.J.S.C. by the Govt. so that the R.J.S.C., Madras, may be appointed as R.J.S.C. for the merged State of Sandur also.

Under Article 3 of the States' Merger (Governors' Provinces) Order, 1949, the States specified in each of the Schedules to the Order shall be administered in all respects from 1.8.49 as if they formed part of the Province specified in the heading of that Schedule. So much so, the Sandur State will be deemed to have been administered from 1.8.49. as if it formed part and

Article 4 of p.2 of

N.I- part I p

vide 'B'- p.1

p. 12 of

✓ Put up in C.No. 102598-K/49 and be at 46 Path (Pol) with the No. 102598-K/49-1 dtd. 26-11-49. (X)

pp. 15-16 of

✓ can be taken on the note at flag (I)

p. 2 of (S)

K 24-3-49

p. 2 of (S)

pp. 5-7 of (S)

Vide Schedule I on p. 5 of (S)

~~Pa~~ Legal ~~participate~~ of this Province, and it seems that the references to the R.J.S.C. in the two State Laws referred to above may be construed with effect on and from 1.8.49 as references to the R.J.S.C. of this Province and no special authorisation on the lines of that issued in the notifications at flag (D) in respect of Banganapalle and Pudukkottai seem necessary now. Legal may be requested to advise.

3. In respect of the period from 1.4.49 (the date of merger of the Sandur State with this Province) to 1.8.49 (the date on which the States' Merger Order 1949 came into force), it seems that a validating order, stating that, notwithstanding anything contained in the law in force in the State during the relevant period, nothing done by the R.J.S.C. shall be deemed to be invalid, is necessary. As such an order cannot now be issued under the Extra Provincial Jurisdiction Act, 1947, it is not clear whether legislation should be undertaken for this purpose. Legal may advise on this point also.

26.10.49 27/X/49 29.10.49

Dev. Dept. Lr. No: 48581-K/49-6 dt. 29.10.49

Legal

Legal Department.

× Introduced as laws in the Sandur State by the Sandur Regn. Act, 1943

ASSISTANT SECRETARY 13995 29OCT1949 LEGAL DEPARTMENT

The Registrar referred to in the Mysore Companies Act, 1938, is a Registrar appointed for the purposes of that Act. It follows, therefore, that unless the Registrar of Joint Stock Companies, Madras, is appointed as a Registrar under that Act, he cannot be regarded as such. Of course, section 248 of that Act seems to enable the appointment of the Registrar of Joint Stock Companies, Madras, as Registrar under that Act and the Registrar of Joint Stock Companies, Madras, if so appointed, will, by virtue of section 288 of that Act, become also the Registrar referred to in sections 2 and 19 of the Mysore Societies Registration Act, 1904. What is however, doubtful is whether such an appointment can be made with retrospective effect.

2. Government of India have under consideration a Bill

for the extension of the Indian Companies Act and various other Central Acts to all the merged States including Sandur with effect from 1-1-1950. In view of this, Development may consider whether any validation is at all necessary in respect of any of the functions discharged by the Registrar of Joint Stock Companies, Madras, in Sandur prior to that date.

113569
21-11-49.

18/11/49 11.VII.19[illegible]
S
Devt dept.

DEVELOPMENT DEPT.

The typed note of this Dept. on pp. 11-13 above and the remarks of Legal on pp 13-14 above may be perused. Legal Dept. seem to be of the ~~view~~ opinion that, in view of the proposed legislation by the Centre to extend the Central Acts to all the merged States, including Sandurs, with effect from 1-1-1950, no validation is necessary in respect of the functions discharged by the R.J.S.C., Madras, in Sandur, prior to that date. In view of this, and the fact that no retrospective ~~orders~~ effect can be given to any orders empowering the R.J.S.C. to function as Registrar under the relevant State laws, there seems to be no need to appoint the R.J.S.C., Madras, as Registrar under the Companies Act, 1938. The question whether any further action is necessary in this regard may be examined after the provisions of the ~~legislation~~ Bill, now under consideration of the Govt. of India, are known. This may, therefore, lie over till 15-1-50 or till the above Bill is passed into an Act, whichever is earlier. Fr orders.

Legal u.o.no. 13995/49-I 19.11.49

para 2 of Legal Dept's note above

Vide 'M' on p. 13 above

M 5/1/50

M 5-12-49.

29.11.49 29/11/49 5/12/49

Attention is invited to the note on p. 14 ante and the orders thereon. The Bill referred to in the note has since been passed into an Act (Merged States [Laws] Act, 1949). Copies of the Act are neither available in the Legal Dept. nor in the Secretariat Library. It is understood that the Act arrangements have been made for the republication of the Act in the issue of the Fort St. George Gazette dy. 17-1-50. The S.G.P. may be asked to supply three copies of the Act as republished in the Gazette. The draft T.M. submitted below is for approval.

✓ issued on 18/1/50

18/1/50 18/1/50 18/1/50

The Merged States (Laws) Act, 1949 (Central Act LIX of 1949), as republished in the Fort St. George Gazette dated 17.1.50 is at pp. 3-12 of (H). The Act has come into force on 1.1.50. Under section 6(2) of the Act, anything done or any action taken under any corresponding law in force in the Merged States immediately before the commencement of the Act shall be deemed to have been done or taken under the corresponding provision of the Acts as now extended to the Merged States, and shall continue in force unless superseded by anything done or any action taken under the said Acts. Consequently, the funtions discharged by the R.J.S.C., Madras, in the Merged State of Sandur prior to 1.1.50 under the Mysore Companies Act, 1938 and the Mysore Societies Registration Act, 1904, will be deemed to have been discharged under the corresponding provisions of the Indian Companies Act, 1913 and the Societies Registration Act, 1860, as now extended to Sandur and no validation in respect of the functions discharged by him under the State Laws seems necessary Legal may be requested to confirm.

s. 1(2) on p. 2 of (H) p. 3 of (H)

etc. e.g. laws, comp. ies and Societies etc before 1-1-50

p. 3 of (H)

2. Under Section 3(2) of the Merged States (Laws) Act, 1949, the following Central Acts, among others, have been extended to the merged State of Sandur with effect from 1.1.50:-

(i) The Societies Registration Act, 1860;

(ii) The Indian Contract Act, 1872;

(iii) The Indian Companies Act, 1913;

(iv) The Indian Partnership Act, 1932;

s. 1 etc. ed in the Schedule on pp. 6-11 of (H)

16/

(vi) The Public Companies (Limitation of Dividends) Act, 1949.

(vii) The Chartered Accountants Act, 1949.

The Act does not seem to provide for the extension of the following Rules and Regulations framed under the Indian Companies Act, 1913, the Indian Partnership Act, 1932, and the Chartered Accountants Act, 1949:-

Provincial Regulations and Rules.

(i) Regulations framed under Section 26(2) of the Indian Companies Act, 1913.

(ii) Regulations framed under Section 248(2),(4) and (5) of the Indian Companies Act, 1913.

(iii) The Indian Companies Rules, Madras, 1940 (framed by the High Court of Madras).

(iv) The Madras Partnership (Registration of Firms) Rules, 1932.

Central Rules and Regulations.

(v) The Indian Companies (A) Rules, 1941 (Issued under section 151 of the Indian Companies Act, 1913).

(vi) The Chartered Accountants Regulations, 1949.

Legal may be requested to advise whether the above Rules and Regulations have to be specifically applied to the merged State of Sandur and, if so, to indicate the mode of application.

3. The file may be sent to Legal for remarks.

31-1-50. 31/1/50

2/2/50 Legal

LEGAL DEPARTMENT.

Dev. Dept. No. 10. 4558-K/49-7 dt. 2.2.50

Parag.1 of the note of Devt.:- Section 6(2) of Merged States(Laws)Act,1949 embodies only the principle contained in s24 of the General Clauses Act and provides for the continuance in operation after 1/1/1950 anything done or any action taken validly of course under the corresponding pre-existing state laws as if such thing was done or action taken under the Acts now extended. It cannot be regarded as validating the functions exercised by the Registrar in the merged states prior to 1/1/1950 without his having been duly appointed as a Registrar as required by the State law as it then stood. As the action of the Registrar is not likely to be questioned no specific validation seems necessary now.

ASSISTANT SECRETARY 1743 3FEB1950 LEGAL DEPARTMENT

1A

SECRETARY TO GOVERNMENT
11 FEB 1950
DEVELOPMENT

2. Parag.2 of the note of Devt.:- The Rules and Regulations referred to may be applied to Sandur by invoking the provisions of the relevant Acts under which the rules and regulations were made.

Legal M.O No 1745/50-1
10-2-50.

10.2.50
Dev
Development Department.

(Notes from XX on page 15 above)

12006/11-2-50

'A' on page 16 ante:

This Dept. may agree with Legal that no specific validation of the functions exercised by the Registrar in the merged State of Sandur prior to 1.1.50 under the relevant State laws is now called for. For orders.

M/Mr

Now that the merged States are administered in all respects as if they formed part of the State of Madras, it does not also seem necessary to make any specific appointments under the relevant sections of the Indian Companies Act, 1913, and the Indian Partnership Act, 1932, in respect of Sandur as was done in the case of Banganapalle and Pudukkottai. Legal may advise.

Vide notification cited Ft 1-3 of (I)

M/Mr

'B' above:

Not put up

The Indian Companies Rules, 1941, were made by the Govt. of India under section 151 of the Indian Companies Act, 1913. The functions of the Central Govt. under that section were not, however, delegated to the State Govts. The Chartered Accountants Regulations, 1949, were made by the Council of the Institute of Chartered Accountants of India under section 30 of the Chartered Accountants Act, 1949. Powers under that Act have not also been delegated to the State Govts. In the circumstances, it seems doubtful whether the State Govt. is competent to apply the Indian Companies Rules, 1941, and the Chartered Accountants Regulations, 1949, to Sandur. Legal may be requested to advise.

N
M/Mr
12/2/50

Not put up

The Indian Companies Rules, Madras, 1940, were issued by the High Court. Legal Dept. advised on a previous occasion that these Rules might be appropriately applied to the

'M' on p.3 n.f (E)
[G.O 3587 dy. 5-7-49]

merges States by the High Court itself. The Registrar of the High Court may therefore be asked to take necessary action in this regard. The Regulations and Rules mentioned against items (i),(ii) and (iv) in para 2 of this Dept.'s note on page 16 ante were made by this Govt. and may be applied to Sandur by suitable notifications. Subject to orders, a draft order is submitted below for approval.

The file may be sent to Legal for scrutiny of the draft notifications and for remarks on the points raised in this note. on top p 17 - 18 ante.

16.2.50 — 17/2/50 — 17/2/50 — 20.2.50

Legal

Dev Dept. Un. No: 45581-K/49-8 dy-20/2/50

LEGAL DEPARTMENT.

M on p.17 ante

1 If under the pre-existing State law, the requisite appointments of Registrars and Assistant Registrars for registration of companies, and Registrars for registration of firms, had been ~~appointed~~ made, they will continue in force by virtue of sec.6(2) of the Merged States (Laws)Act, 1949.

ASSISTANT SECRETARY 2728 21 FEB 1950 LEGAL DEPARTMENT

2 N M on p17:- The Indian Companies Rules which were made under sec. ~~155~~ 151(4) have effect as if enacted in the Act - see s151(5). In view of this, it may be said that the extension of the Indian Companies Act to the merged State carries with it the extension of the said rules. But there is no such provision in the case of rules made under sec.30 of the Chartered Accountants Act, 1949 and it is desirable to extend these rules specifically to Sandur. The Central Govt. may be apprised of this position and asked to do the needful in the matter

3 Parag.2 on p2 of the draft may be recast as follows:-

"Sec.3(2) of the Merged States Laws Act, 1949 extends to the merged State only the enactments specified

in the Schedule and does not expressly provide for the extension of the rules and regulations made thereunder. In view of this and in view also of the fact that there is no provision in the Indian Companies Act, 1913 that the rules made by the High Court under Sec.246 of that Act have effect as if enacted in the Act (cf. s151(5)), The Registrar High Court, ~~of Madras~~ is requested to take necessary steps to apply specifically to the merged territory of Sandur the Indian Companies Rules, Madras, 1940 made by the High Court under s246 of the Indian Companies Act, 1913 mutatis mutandis. The alterations indicated in red ink on the draft notification may be made.

Legal U.O.No. 2728/S-1 28-2-50

Dear

ADDITIONAL ASSISTANT SECRETARY TO GOVT. 1 MAR 1950 DEVELOPMENT DEPARTMENT

1-3-50

27-2-50

Dev

Development Dept.

The note of this Dept. on pp. 17-18 above and the remarks of Legal on pp. 18-19 above may be read.

Para 1 of Legal Dept.'s note on page 18 ante:

No appointments of Registrar and Asst. Registrars for registration of companies were made under the pre-existing State law - vide Legal Dept.'s notes on pp. 13-14 and 16 above. The appointment of Registrar for registration of firms was also not made as there was no State law in force corresponding to the Indian Partnership Act, 1932. In view of the position ~~stated~~ set out at 'M' on page 17 above, it is presumed that no such ~~such~~ appointments need be made now in respect of Sandur. Legal may be requested to state whether the presumption is correct.

Para 2 of Legal Dept.'s note on page 18 ante:

As suggested by the Legal Dept., the Govt. of India may be addressed in regard to the extension of the Regulations made under section 30 of the Chartered Accountants Act, 1949 to the merged States. A draft letter to India is submitted below for approval. Legal may see before issue.

ASSISTANT SECRETARY 3740 10 MAR 1950 LEGAL DEPARTMENT

4-3-50 6/3/50

9/3/50

Dev. Dept. No. No: 45581-K/49-9 dy-9-3-50

20

LEGAL DEPARTMENT

So far as the Companies Act is concerned no appointment of Registrar need be made for Sandur. The definition of registrar in s2(15) will equally apply to Sandur.

2. As regards the Partnership Act, 1932, sec.57 provides for the appointment of Registrars of Firms by notification and the specification of the areas within which they shall exercise their powers. The terms of the existing notification issued under the section are not known. Whatever it be, I think it will be safer and desirable to issue a notification including Sandur also within the area of jurisdiction of the Registrar of Firms.

3. The draft letter to the Government of India is in order subject to the slight corrections indicated thereon in pencil.

10/3/50

Dev.S/ D.No 21242 11-3-50

Legal W.G. 3740/50-1

Dev. Dept

Notes from XX on p. 19 above may be read. The notification last issued under section 57(1) of the Indian Partnership Act, 1932, is at pp. 9-10 of (M). As the area of jurisdiction of the Registrar specified in that notification does not include Sandur, a revised notification in supersession of that previous notification may be issued as suggested by Legal at 'X' above. Subject to orders a revised draft order incorporating in it the draft notifications contents of the previous draft order at (D) is submitted below for approval.

'A' on p. 9 of (M)

× Draft-II

2. The draft letter to India, as slightly corrected by Legal, may now issue. After issue of the draft letter, the file may be sent to Legal for scrutiny of draft notifications

13/3/50

Issue P.27C,

before issue.

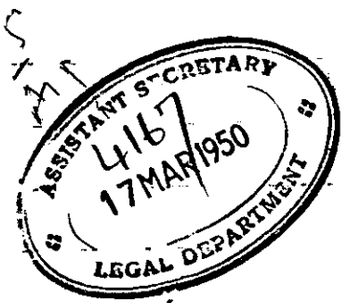
13/3/50 14/3/50 15/3/50 16-3-50

Legal.

Dev. Dept. No.
No: 45581-K/49-11
dt. 16.3.50

LEGAL DEPARTMEN

The slight alterations indicated in red ink on the draft notifications may be made



Tl. 25916
22-3-50

Dev.

Dev Dept.

Dev
Legal No. No 4167/50-1
21.3.50

(Note from p. 20 above)
The draft order below, as slightly altered by Legal, may now issue.

23.3.50 23/3/50 23/3/50

(Issued as G.O. Ms. No: 1204, dt. 25-3-50)

Clerk

Original draft

Put-up paper (I)

Development Department.

23

Ms: 45581-K/49

States - Sandur - Merger - Regulations framed under Indian Companies Act, 1913 - Madras Partnership (Registration of Firms) Rules, 1932 - Applied.

Order Ms. No. Dated.-

The following notifications will be published in English in the Fort St. George Gazette and in english and in the chief languages of the district in the District Gazette of Bellary.

In precedent, please see pp.5-6 of (E)

Notifications.

Not put up

In exercise of the powers conferred by sections 26 (2) and 248 (2),(4) and (5) of the Indian Companies Act, 1913 (Central Act VII of 1913), His Excellency the Governor of Madras hereby directs that the following Regulations, as for the time being in force in the Bellary district in the State of Madras, shall apply, with effect on and from the date of publication of this notification in the Fort St. George Gazette, to the merged ~~State~~ territory of Sandur ~~as if the said State were part of the said district:-~~ merged into the said district.

Not put up

(i) Regulations under section 26(2) of the Indian Companies Act, 1913 (Central Act VII of 1913) published with Home (Judicial) Department Notification No. 156 dated the 23rd February 1917 at page 237 of Part I of the Fort St. George Gazette dated the 27th February 1917, as subsequently amended.

- Do -

(ii) Regulations under section 248(2),(4) and (5) of the Indian Companies Act, 1913 (Central Act VII of 1913) published with Judicial Department Notification No. 518 dated the 6th June 1916 at pages 725 to 734 of Part I of the Fort St. George Gazette dated the 4th July 1916, as subsequently amended.

II.

In exercise of the powers conferred by section 71(2) of the Indian Partnership Act, 1932 (Central Act IX of 1932), His Excellency the Governor of Madras hereby directs that the following Rules, as for the time being in force in the Bellary district in the State of Madras, shall apply, with effect on and from the date of publication of this notification in the Fort St. George Gazette, to the merged territory of Sandur ~~as if the said State were part of the said district:-~~ merged into the said district.

Put up

-4-

The Madras Partnership (Registration of Firms) Rules, 1932, published with Law (General) Department Notification No. 868 dated the 1st December 1932 at pages 1925-1928 of Part I of the Fort St. George Gazette dated the 13th December 1932 as subsequently amended.

pp 3-12 2 (H)

2. The Merged States (Laws) Act, 1949 (Central Act LIX of 1949) does not provide for the application of the Rules and Regulations framed under the Acts which have been extended to the merged States under section 3(2) of that Act. The Registrar, High Court of Madras, is requested to take necessary steps to apply the Indian Companies Rules, Madras, 1940, framed by the High Court under section 246 of the Indian Companies Act, 1913, to the merged territory of Sandur.

See Note — Cattle fodder from N.R.O., Sgmo

Madras p. 3 9/H

16.2.50 17/4/50. 17/2/50. 10.2.50

To The S.G.P. for publication of the notification in the F.S.G.G. He is requested to send 6 copies of the notification to the Senior Translator to Govt.
To The Senior Translator to Govt.
To The R.J.S.C.
To The Secretary to the Govt. of India, Ministry of Commerce
To The Secretary to the Govt. of India, Ministry of States .. (3 copies).
To The Board of Revenue.
To The Director of Information and Publicity.
To All Collectors.
To The Registrar, High Court of Madras.
To The Departments of the Secretariat, except Devt.
To All Heads of Dept.

Dev. Dept.
C No. 1.8082-K/50

States – Sandur – Merger – Indian Companies Rules, Madras, 1940 – Application.

Letter from the Registrar, High Court of Madras, R.O.C. No. 2909/50 B.1 dated 19-9-50

The Indian Companies Rules, Madras, 1940, were made by the High Court under section 246 of the Indian Companies Act, 1913. The Merged States (Laws) Act, 1949 (Central Act LIX of 1949), which extended, among others, the Indian Companies Act, 1913, to the merged territory of Sandur, did not expressly provide for the extension of the rules and regulations made thereunder. There is also no provision in the Indian Companies Act, 1913, that the Indian Companies Rules, Madras, 1940, made under section 246 of that Act have effect as if enacted in the Act. In view of the opinion given by the Legal Dept. at pp. 2-3 n.f. of G.O. Ms. No. 3587, Dev. dated 5-7-49, the Registrar, High Court, was requested in para 2 of G.O. Ms. No. 1264, Dev. dep. 25-3-50 to take necessary steps to apply specifically to the merged territory of Sandur the Indian Companies Rules, Madras, 1940. Attention is invited to the letter from the Registrar, High Court, at pp. 3-4 n.f. The Registrar has stated that, for the reasons explained in para 1 of his letter, the Hon'ble the Judges consider it not necessary to extend the Indian Companies Rules, Madras, 1940, to the merged territory of Sandur by a specific notification. In the circumstances, no further action seems called for in this file. The papers may be lodged and added to the G.O. at (2) after perusal by Legal.

25-3-50

26/9/50 Legal.

24.9.50 25/9/50

Legal Department.

Dev. Dept. Lr. No. 48082-K/50-5 dt. 26.9.50

The High Court's view is only a view expressed by the Hon'ble the

ASSISTANT SECRETARY 15392 26 SEP 1950

-2- 21

Judges in their administrative capacity and cannot be regarded as an authoritative ruling of the High Court. One cannot be sure that if the question comes up for consideration judicially before the High Court the same view will be upheld. The position cannot, therefore, be said to be free from doubt. However, the High Court which has to extend the rules having expressed a decided view one way, it is unnecessary to press for an extension of the rules to the Sandur area.

30/10/50 Dev Dept.

109373 Legal No.
31-10-50. 15392/50.1

The note of this Dept. on p. 1 above and the remarks of Legal on pp. 1-2 above may be perused. In view of 'A' above no further action seems called for. Put this file. The papers may be lodged and added to the Govt. at (2)

4.11.50

2/11/50

ADDITIONAL ASSISTANT SECRETARY TO GOVERNMENT
30 X 50
01 OCT 1959
DEVELOPMENT DEPARTMENT

Govt Rts 1204 Dnt 25-3-50

Put up paper. (X)

with amendments

ACT No. III OF 1904.

(PASSED ON THE 15TH DAY OF MARCH 1904.)
AS AMENDED BY ACT V OF 1939.

An Act for the Registration of Literary, Scientific and Charitable Societies.

Price: 0-1-0

ACT III OF 1904.

(PASSED ON THE 15TH DAY OF MARCH 1904.)
AS AMENDED BY ACT V 1939.

An Act for the Registration of Literary, Scientific and Charitable Societies.

Whereas it is expedient that provision should be made for improving the legal condition of societies established for the promotion of literature, science, or the fine arts, or for the diffusion of useful knowledge, or for charitable purposes; His Highness the Maharaja is pleased to enact as follows: - Preamble.

1. (1) This Act may be called the Societies Registration Act, 1904; Short title extent and commencement.

(2) It extends to the whole of Mysore; and

(3) It shall come into force on the date of its first publication in the official Gazette*

2. Any seven or more persons associated for any literary, scientific or charitable purpose, or for any such purpose as is described in section 21 of this Act, may, by subscribing their names to a memorandum of association and filing the same with the Registrar of Joint-stock Companies, form themselves into a society under this Act. Societies formed by memorandum of association and registration.

3. The memorandum of association shall contain the following things (that is to say) Memorandum of associati

the name of the society:

the objects of the society:

the names, addresses, and occupations of the governors, council, directors, committee or other governing body to whom, by the rules of the society, the management of its affairs is entrusted.

A copy of the rules and Regulations of the society, certified to be a correct copy by not less than three of the members of the governing body, shall be filed with the memorandum of association.

4. Upon such memorandum and certified copy being filed, the Registrar shall certify under his hand that the Registration

* The date of first publication was the 31st March 1904.

society is registered under this Act. There shall be paid to the Registrar for every such registration a fee of twenty rupees, or such smaller fee as the Government may, from time to time, direct; and all fees so paid shall be accounted for to Government.

es.

Annual list of managing v to be

5. (*a*) Once in every year, on or before the fourteenth day succeeding the day on which, according to the rules of the society, the annual general meeting of the society is held, or, if the rules do not provide for an annual general meeting, in the month of January, a list shall be filed with the Registrar of Joint Stock Companies of the names, addresses and occupations of the governors, council, directors, committee or other governing body then entrusted with the management of the affairs of the society.

(*b*) *A copy of the balance sheet together with a statement of receipts and expenditure audited by a person who has been granted a certificate by the Government under section 144 of the Mysore Companies Act, 1938, or by a special auditor approved by the Government, shall also be filed with the Registrar of Joint Stock Companies, at the same time.

(*c*) *A filing fee of eight annas each shall be paid along with the list and the balance sheet referred to in sub-sections (a) and (b). The said fee may be paid either by affixing Mysore Court Fee Stamps or by crediting the amount to any Government Treasury and by attaching the duplicate chellan to the documents.

ACT No. XXVIII of 1945.

The Societies Registration (Amendment) Act, 1945.

(Received the assent of His Highness the Maharaja on the 6th day of August 1945).

WHEREAS it is expedient further to amend the Societies Registration Act, 1904;

oper ociety rested

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Societies Registration (Amendment) Act, 1945.

(2) It shall come into force at once.

Omission of clause (d) in section 5 Act III of 1904

2. Clause (d) of section 5 of the Societies Registration Act, 1904 (hereinafter referred to as the said Act) shall be deleted.

vested in trustees, shall be deemed to be vested, for the time being, in the governing body of such society, and in all proceedings, civil and criminal, may be described as the property of the governing body of such society by their proper title.

Suits by and against societies.

7. Every society registered under this Act may sue or be sued in the name of the president, chairman, or principal secretary, or trustees, as shall be determined by the rules and Regulations of the society, and, in default of such determination, in the name of such person as shall be appointed by the governing body for the occasion.

Provided that it shall be competent for any person having a claim or demand against the society, to see the president or chairman, or principal secretary or the trustees thereof, if, on application to the governing body, some other officer or person be not nominated to be the defendant.

Suits no tto abate.

8. No suit or proceeding in any Civil Court shall abate or discontinue by reason of the person by or against ~~whom~~ such suit or proceeding shall have been brought or continued, dying or ceasing to fill the character in the name whereof he shall have sued or been sued, but the same suit or proceeding shall be continued in the name of or against the successor of such person.

Enforcement of judgment against society.

9. If a judgment shall be recovered against the person or officer named on behalf of the society, such judgment shall not be put in force against the property, moveable or immoveable, or against the body of such person or officer, but against the property of the society.

The application for execution shall set forth the judgment, the fact of the party against whom it shall have been recovered having sued or having been sued, as the case may be, on behalf of the society only, and shall require to have the judgment enforced against the property of the society.

Recovery of penalty accruing under bye-law.

10. Whenever by any bye-law duly made in accordance with the rules and Regulations of the society, or, if the rules do not provide for the making of bye-laws, by any bye-law made at a general meeting of the members of the society convened for the purpose (for the making of which the concurrent votes of three-fifths of the members present at such meeting shall be necessary), any pecuniary penalty is imposed for the breach of any rule or bye-law of the society, such penalty, when accrued, may be

recovered in any court having jurisdiction where the defendant shall reside, or the society shall be situate, as the governing body thereof shall deem expedient.

Members liable to be sued as strangers.

11. Any member who may be in arrear of a subscription which, according to the rules of the society, he is bound to pay, or who shall possess himself of or detain any property of the society in a manner or for a time contrary to such rules, or shall injure or destroy any property of the society, may be sued for such arrear or for the damage accruing from such detention, injury or destruction of property in the manner hereinbefore provided.

Recovery by successful defendant of costs adjudged.

But if the defendant shall be successful in any suit or other proceeding brought against him at the instance of the society, and shall be adjudged to recover his costs, he may elect to proceed to recover the same from the officer in whose name the suit shall be brought, or from the society, and in the latter case shall have process against the property of the said society in the manner above described.

Members guilty of offences punishable as strangers.

12. Any member of the society who shall steal, purloin or embezzle any money or other property, or wilfully and maliciously destroy or injure any property of such society, or shall forge any deed, bond, security for money, receipt, or other instrument, whereby the funds of the society may be exposed to loss, shall be subject to the same prosecution, and, if convicted, shall be liable to be punished in like manner, as any person not a member would be subject and liable to in respect of the like offence.

Societies enabled to alter, extend or abridge their purposes.

13. Whenever it shall appear to the governing body of any society registered under this Act, which has been established for any particular purpose or purposes, that it is advisable to alter, extend or abridge such purpose to or for other purposes within the meaning of this Act, or to amalgamate such society either wholly or partially with any other society, such governing body may submit the proposition to the members of the society in a written or printed report, and may convene a special meeting for the consideration thereof according to the Regulations of the society;

but no such proposition shall be carried into effect unless such report shall have been delivered or sent by post to every member of the society ten days previous to the special meeting convened by the governing body for the consideration thereof,

nor unless such proposition shall have been agreed to by the votes of three-fifths of the members delivered in person or by proxy, and confirmed by the votes of three-fifths of the members present at a second special meeting convened by the governing body at an interval of one month after the former meeting.

Provision for dissolution of societies and adjustment of their affairs.

14. Any number not less than three-fifths of the members of any society may determine that it shall be dissolved, and thereupon it shall be dissolved forthwith, or at the time then agreed upon, and all necessary steps shall be taken for the disposal and settlement of the property of the society, its claims and liabilities, according to the rules of the said society applicable thereto, if any, and, if not, then as the governing body shall find expedient, provided that, in the event of any dispute arising among the said governing body or the members of the society, the adjustment of its affairs shall be referred to the principal Court of original civil jurisdiction of the district in which the chief building of the society is situate; and the Court shall make such order in the matter as it shall deem requisite.

Assent required.

Provided that no society shall be dissolved unless three-fifths of the members shall have expressed a wish for such dissolution by their votes delivered in person, or by proxy, at a general meeting convened for the purpose.

Government consent.

Provided that whenever the Government is a member of, or a contributor to, or otherwise interested in, any society registered under this Act, such society shall not be dissolved without the consent of Government.

Upon a dissolution, no member to receive profit.

15. If upon the dissolution of any society registered under this Act, there shall remain, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the said society or any of them, but shall be given to some other society, to be determined by the votes of not less than three-fifths of the members present personally or by proxy at the time of the dissolution, or, in default thereof, by such Court as aforesaid.

Clause not to apply to Joint Stock Companies.

Provided, however, that this clause shall not apply to any society which shall have been founded or established by the contributions of shareholders in the nature of a Joint Stock Company.

Member defined.

16. For the purposes of this Act a member of a society shall be a person who, having been admitted therein according to the rules and Regulations thereof,

endment of section Act No. 304

is inserted Act No. XVIII of 1946.

3. In section 21-B of the said Act, after the words " any change in the Memorandum of Association" the words and figures " on in filing with him the returns required by clauses (a) and (b) of section 5"; after the words " to furnish details of such change", the words " or to submit such returns "; and after the words " treat the society as having become defunct" the words " and cause a notification of such decision to be published in the official Gazette" shall be inserted.

21. The following societies may be registered under this Act :—charitable societies, societies established for the promotion of science, literature, or the fine arts, for instruction, the diffusion of useful knowledge, the foundation or maintenance of libraries or reading rooms for general use among the members or open to the public, or public museums and galleries of painting and other works of art, collections of natural history, mechanical and philosophical inventions, instruments, or designs. To what societies Act applies.

22. *The Government may make such rules as it thinks expedient for carrying out the purposes of this Act. Power to make rules.

* Added by Section 4 of Act V, 1939.

WD 1703—GPB—300—23-6-39

NOTIFICATION.

Order No. Rl. 169—*Legis.* 9-43-1, *dated Bangalore, the 12th August* 1943.

Ordered that the accompanying Societies Registration (Amendment) Act, 1943, which received the assent of His Highness the Maharaja, on the 27th day of July 1943, be published as Act XXXI of 1943, in the *Mysore Gazette*, for general information.

C. NARAYANASWAMY NAIDU,

Secretary to Government
Law Department.

ACT XXXI OF 1943.

THE SOCIETIES REGISTRATION (AMENDMENT) ACT, 1943.

(*Received the assent of His Highness the Maharaja on the Twenty-seventh day of July 1943.*)

WHEREAS it is expedient further to amend the Societies Registration Act, 1904;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Societies Registration (Amendment) Act, 1943.

(2) It shall come into force at once.

Amendment of Preamble. Act III of 1904.

2. In the preamble to the Societies Registration Act, 1904 (hereinafter referred to as the said Act), after the words "made for", the words "regulating, controlling and" shall be inserted.

3. In section 3 of the said Act—

Amendment of section 3, Act III of 1904.

(1) after the words "the management of its affairs is entrusted" the words "the situation of the premises of the Society" shall be inserted;

(2) the following words shall be added at the end, namely,—

> Every change in the memorandum of association shall, within 30 days of the making thereof, be filed with the Registrar."

Insertion of a new section 3-A in Act III of 1904

4. After section 3 of the said Act, the following new section shall be inserted, namely,—

"3-A (*i*) The name or the rules of a society may be changed by a resolution of the general body passed by a

majority of not less than three-fifths of the members as are present in person or by proxy (where the rules provide for voting by proxy), at a special meeting convened for this purpose, of which written or printed notice shall have been delivered or sent by post to every member of the society within 21 days prior to the date of the meeting.

(*ii*) Such change in the rules shall take effect only after they are duly registered in the office of the Registrar. A change in the name of the society shall take effect only after it has been approved by the Registrar."

Amendment of section 5, Act III of 1904.

5. In clause (*a*) of section 5, the words "according to the rules of the society" and "or if the rules do not provide for annual general meeting, in the month of January" shall be omitted.

Insertion of new section 5-A, in Act III of 1904.

6. After section 5 of the said Act, the following new section shall be inserted, namely,—

"5-A. (1) All societies registered under this Act shall hold every year a general meeting at which the report of the management of the institution for the previous year, together with an audited copy of the balance sheet, receipts and expenditure statement and the auditor's report shall be submitted for approval.

(2) A special meeting may be convened at any time on the requisition of the President or Chairman of the executive committee, if any, or on the requisition of not less than three members of the executive committee or seven members of the general body of the society, who shall state in writing the business for which they wish the meeting to be convened. The Secretary shall convene a meeting of the society before the lapse of ten days from the date of the receipt of the requisition.

(3) If a member has no registered address in Mysore and has not supplied to the society an address within Mysore for the giving of notice to him, a notice advertised in two newspapers (one in English and the other in any of the vernacular languages) circulating in the neighbourhood of the registered office of the society, shall be deemed to be duly given to him on the day on which the advertisement appears."

Insertion of new sections 21-A and 21-B in Act III of 1904.

7. After section 21 of the said Act, the following new sections shall be inserted, namely,—

"21-A (*i*) Every society shall be inspected at least once in two years by the Registrar or an officer authorised by him in this behalf who shall be entitled to inspect the premises of any society and shall also be entitled to call for such information or explanation within such time as may be specified by him.

(*ii*) Where it appears to the Registrar that the affairs of a society call for investigation, the Registrar may appoint a certified auditor to investigate the affairs of such society and may fix his remuneration which shall be borne by the society.

21-B. Where default is made by a society in filing with the Registrar, any change in the memorandum of association, the Registrar may, after calling upon such society to furnish details of such change within a specified time and on the failure of the society to do so, treat the society as having become defunct, whereupon the incorporation of the society under this Act shall cease:

Provided that the liability, if any, of the members of the governing body or the members of the society, as the case may be, shall continue and may be enforced as if the society had not become defunct."

N. MADHAVA RAU,

Dewan.

Price : 0-0-9

WD 1220—GPB—200—21-2-44